

## Sea Urchin Zone Council Meeting

December 13, 2013 in Hallowell

**DMR staff:** Trisha De Graaf, Pat Keliher, and Maggie Hunter.

**SUZY members:** Larry Harris, Tracey Sawtelle, Steve Eddy, Clint Richardson, Joe Leask, Atchan Tamaki, Dean Norris, Bill Sutter, Joe Leask and Brian Preney.

**SUZY member not present:** Chris Buyers, Ian Emery, Chuon Muth, Ed Fagonde, Teresa Johnson, and Killer Smith.

**Public:** Jim Wadsworth, Tristan Smith, James Campbell, James Sewell, James Wotton, David Sprague, Jim, Stephen Warner, Schuyler Belle, Brian Chadwick, Brian Chubbuck, Paul Fischer, Dana Sprague, Erik Hansen and Alan Knowlton.

### Sea Urchin Zone Council Research Subcommittee Meeting

J. Leask: I would like to explore the idea of giving the urchin council voting authority, much like the three branches of government, to give us veto authority over any DMR actions. If you take a piece of bottom and turn it back over to industry, the individuals working on the area should be able to make money from it. That piece of bottom once reestablished would be productive.

P. Keliher: That is like the current shellfish aquaculture program. People can go through the application process to get a lease, have brought product in, conduct husbandry, and their lease is now flourishing. That is lease's role - to harvest that area sustainably. Similar to mussel leases. You are using husbandry practices to keep the harvest sustainable. If you gave us back your lease, in this case it would go back to the public. Like the existing situation we have right now. A dragger or diver might go in and just take a certain amount or some folks may go in and say this is a hay day and take it all.

T. Smith: The initial part of this process to get started is hard; it takes a lot of money. Take a ledge with a special license, go down with a go pro camera and take video showing no urchins and that it is depleted. Help us get started by allowing us to go down and play around there. We may need to bring bigger urchins in and let those little urchins get bigger. After 3 years it is time for you to pay up and start paying money. If it doesn't look like it worked, then sorry, the experiment is over. Say that area does go the other way and looks like it is working, then you pay for that and secure it and get a little harvest out of it.

J. Wadsworth: How would you keep people out of it?

J. Leask: Look at Pemaquid – you can't. You can't legislate common sense. If you are wise about areas, my initial idea was to do it right outside of Boothbay near the DMR offices. Take bottom that used to be productive and bring it back and a minimal amount of costs. There are not a lot of funds at state level to ask for assistance, but we do have a lot of bottom with urchins on it. I have seen people do it and it can be done. Seems like Mick's bill is a good vehicle to open up a few doors. Between your office and this council, the details are being ironed out. Each of us has strengths in certain areas. What tools don't we have that we need? I see a connection between the Fishery Management Plan (FMP), Mick's bill and what we are doing. Our time here is short, we have a few minutes and we can waste a night on rabbit trails.

D. Norris: I see some clear differences between this bill and what we want to do.

J. Leask: The wording is still being defined.

D. Norris: Some of the concerns out there are real also.

J. Leask: We have the expertise in the room to do this.

D. Norris: Is this what we are going to be discussing for the Sea Urchin Zone Council Research Subcommittee meeting today?

B. Sutter: The final FMP that we come up with is going to have to have what parameters we are going to come up with going forward. I have been around to know what goes in to the legislature is not the same as what comes out. The goals of the bill will be for finer scale management, not just big zones. What I have heard so far is that it would be limited to current industry participants. The final outcome of the bill will be to give the Commissioner the authority to do some of these things. He has said a complete moratorium on urchin fishing in Zone 1 is not completely out of the question. Maybe we create new, smaller zones. The bill would get to finer scale management, husbandry, increasing availability of product to processors. These things will be in the final FMP. How we do it is dependent on what authorities are given to the Commissioner. The language may say you may create smaller zones, or you will create smaller zone.

J. Wadsworth: I remember the processors saying you have to help me or I am going under. Now Chuon is saying they have too many urchins, getting flooded by Canada and even with 7 tote limit there are too many!

B. Sutter: if they had more product available, they would not have laid off their labor force this past year and would have been able to process all these urchins. The price is too high and amount of urchins they were getting would not supply the labor force they had 3 years ago and now they getting product from Newfoundland.

J. Leask: Chinda said within a year they will be down to just 4 processors because the Maine urchin is the most expensive urchin in Japan; our quality will carry us, but it is the most expensive. They need a steady supply that is critical to them at certain times of the year. You have everyone harvesting at the same time, but it is the best chance for making the most money for what we have left. Ice is forming in Canada and they can't go.

J. Wadsworth: Why do they pay too much money for them?

J. Leask: You can't legislate common sense.

J. Wadsworth: This bill is based on the ability to cooperate like they do in Japan, and I don't see that happening in Maine.

J. Leask: I am hopeful a lot of guys will see it work and may try. I am hopeful that we could bring places back. Maybe we do what Alaska does where you manage each ledge. Dr. Wilson and Caitlin spoke of it.

D. Norris: Areas that you have the most information to manage ledge to ledge would be areas that are covered in the bill that there is a lot of data for. Subdivide whole area and establish totes per day to be removed per person and 30% a year or what could be sustained. Whoever is bringing it back is going to be funding their efforts with the harvest. With the current laws and leases, the people most able to bring the bottom back...can lease that bottom for a certain amount of time. The piece of bottom you want to bring back is going to be larger than is practical to pay by the acre. What the public is gaining is the increase of productivity, not a fee. You are getting the use of a piece of bottom for a set period of time to make money off of. That is why this is different than the current leasing structure. It works for the experimental lease costs.

J. Leask: Commissioner – you said lease cost can't be adjusted?

D. Norris: The lease is permanent, but that is not what we want to do.

J. Leask: Like mussels; I don't think a piece of bottom should be leased for an extended amount of time. There has got to be a formula in there where they have the bottom, but they cannot completely deplete it but must leave it in a healthy state. Penalties on books need to be increased for poaching. But there is a ceiling on what you can change. As evidenced by Pemaquid, there needs to be stiffer penalties. This piece of bottom is off limits to harvesting, like in Cobscook [Whiting & Denny's Bay]. There should be such a substantial penalty that they stand to lose quite a bit. Look at elvers – some individuals have not much to lose that they will go out and do it anyways. You have some discretion in that area. \$1000 first offence second is loss of license.

P. Keliher: A fine structure for discouraging illegal behaviors – problem is when you put that in place there is discretion from the judge. They will put the offender on a payment plan, or they just don't pay it. From a license standpoint, elver compliance amongst licensed fisherman has gone up to nearly 100% because it is two strikes and it is out. When you have a limited entry fishery and a lot of people who want in and you don't follow the law, you should be out. This is where you start to change you compliance rates.

J. Leask: If that is what it takes and with that success, that is what you need. If someone puts a lot of work into a piece of bottom and someone comes along and rapes it...My thought is if I work an area of bottom, and someone else comes in, I throw my hands in air.

D. Norris: A test area needs to be of sufficient size to be easy to enforce. The size of Petite Manan, area that you could fish would be easy to enforce because everyone can see it is what is needed.

J. Leask: In the lobster industry there is self-enforcement.

D. Norris: In the past the test sites were poached. Petite Manan is an offshore area that is easy to see. For the fine structure, other than loss of license, it is too easy for the bad actors to get away with it.

T. Smith: Anytime anyone adds a big fine, the money is not going back to benefit the fishery. If you stop them from fishing, there is their monetary loss.

J. Leask: Why can't you ask for that provision in the bill? I would suggest it and see where it goes.

T. Smith: It goes through to courts and then into the general fund. Who is going to do all the monitoring? How many biologists as fishermen to we have?

J. Leask: Robert [Russell] said he was willing to be part of it.

T. Smith: These are all the little things to put into the equation that it won't work.

D. Norris: We need to focus our efforts on one experimental area. There will be no poaching if several different groups are working together on it.

B. Sutter: You are discussing details, and we need larger, broader ideas. Finer scale management is a consensus with everyone. And husbandry of the resource needs to be part of it.

L. Harris: How do we promote the growth of resource while maintaining the health of the fishery? We are trying to do something that make this fishery more sustainable. Right now we are talking about a resource that the processors are trying to maintain their business on. How do we climb out of the very deep hole we are in with the resource? Maine should have the potential for a sustainable fishery. Right now there is an awful lot of bottom that might be productive. My definition of aquaculture is not to go out and restore a ledge and give it back to the wild fishery. It is to establish a piece of bottom and make money on it with the idea that it is a business. What we are talking about tonight is not aquaculture. Can we reestablish with temporary manipulations to restore resource? This should be industry driven, rather than Larry Harris Aquaculturist driving it. If I was going to do that, I should be leasing the bottom from the state – that is privatization. Aquaculture and hatcheries may play a role in it with fishermen who want to invest in some hatchery seed to get started, but the way it would be done would be dependent on what the fishermen's ideas are. They are investing their ideas and time, with a finite period so it goes back to the resource. Sign a contract with the state that says you need to provide information on what I am doing, and in return you get to harvest so you can be rewarded for your effort for a set period of time. We are trying to ensure that Maine has a sustainable urchin fishery closer to what it was. Not like the barrens that it was.

B. Sutter: Cobscook Bay has turned out to be a pilot. It is a reflection of what you are talking about. You have a good sized area that increases and is turned back to the fishery, however, management can be labor intensive to the

department. A lot of that is scallops. That is what you have when you have the area turn back to the wild fishery. We are not taking the steps you need to continue to build towards a sustainable fishery.

D. Norris: You need to keep an eye on the biomass so it doesn't return to what it was before, however.

P. Keliher: I think this council deserves a lot of credit for tote limits, culling on bottom, reducing season conservation efforts it has recommended over the past few years. Quality is reigning and it seems to be paying off. Speaks to taking steps in the right direction. Bill you are spot on with Cobscook Bay. Cobscook Bay came about through closures. You were not moving product. The harvesters came to DMR to close it. If you went into a scenario like scallops with rotational management in the area, you may be looking at good production as long as you have monitored removals, then you will have pretty good production. In scallops we have found that if we keep an eye on it and close it early, we can do it. Bill you pointed out we don't want to be in a management role at that level, but I don't think we cannot do that if we are going to maintain fishery at that level.

B. Sutter: Yes, in Cobscook Bay it worked, but then you have York with no real fishery and it has not come back.

P. Keliher: Yes, in Zone 1 you have areas that are commercially extinct. The idea of a closed area with assisted work from industry – I have no problem with. Taking the same approach and putting it in Zone 2 where you have more product and more people, it becomes problematic. My position is what Mick put out for a bill is aquaculture. I know it is not the intent, but reading our definitions, that is what it is. It is the concepts of aquaculture with manipulation and the law on the books for mussel aquaculture leases are similar. The law exists that it is half the price of a regular lease - to your point of the economics don't work for that size of an area. So you take that model, and you will see how many times I am sued for listing an aquaculture lease. We are following the letter of law, but people are going to challenge us. The concept that we need to do something different, I agree with. If you are going to do this and reserve a piece of bottom, whether short or long term, you have to have the conversation about how you are going to grant that bottom. How are you going to grant that lease? If it is permanent in nature, it becomes easier to use the existing structure to get there, putting costs aside. If different than permanent, say a 3-5 year period, we could design something like the Limited Purpose Aquaculture (LPA) leases. We had someone come to the department for one and said there is a spot that is a bowl and I want to put urchins in it. They didn't see what was at the bottom of bowl – silt. It did not go forward, but they started down that process.

B. Sutter: What about the lobster zones with a limited amount of fishermen in each zones. What about that?

J. Leask: People need the ability to move.

D. Norris: You need to move to follow the quality.

J. Leask: Each area works differently. Cobscook is a horse of its own color. When Whiting & Denny's Bay was shut down, there were already urchins there, and so much tidal flow that spawn mixes really well and stays up in that bay and grows very well. That model right there points me to think that management might work. In other areas of the state, it may not work. Southern end of the state, the bottom is different, sand bottom. When spawn settles, you can drop on any rocky edge in Penobscot Bay you can see juvenile urchins on every rock. Mortality comes when the urchins get to a certain size and there is not enough of a biomass there, they can pick them off one by one. In going back to what is on table right now, I can see certain areas of the state work really well with my practices. I think what Bill had for an idea will work in his area. I think Steve Eddy is part of a process as we need hatcheries. Japan had them, and they did help. Between all the tools available to us, I am sure some parts of the state can be restored. There are cycles in ocean. For the FMP – what is an acceptable level where we could add more people to the industry? We have more say in a global market? I support small management areas. I don't want them to be the only areas we can fish, however. Many people in Zone 2 want to travel while others wouldn't mind their area being their area. Some of these issues still need to be defined. The biomass needs to increase and if someone wants to invest some time, then they should be able to do it. What differentiates between a guy with a 5 year schedule and one for life?

P. Keliher: They all have to be renewed.

J. Leask: He can continue to renew and keep that bottom private?

P. Keliher: It is very specific what things we can do with it. The renewal process many incorporate competing interests or impacts that would need to be addressed. Nothing is guaranteed.

J. Leask: How would DMR decide for me to keep a lease?

T. Smith: What if you take my product and take it over to your ledge and making them better, then that is a problem.

P. Keliher: That is a problem we have had to deal with mussels - seed areas. People take seed and put them in different areas to thin them out; others take to a lease site.

J. Leask: There are a lot of junk urchins out there.

P. Keliher: If you take a poor quality urchin and move to an area that does not have the density, does it improve?

D. Norris: It is feed and current dependent.

P. Keliher: I told this to the legislature, instead of considering it as an aquaculture component; think of it as a lobster pound. Buy low quality cheap urchins and hold and firm them up. I am hearing aquaculture, short term, but also quality and selling them at higher quality.

D. Norris: We have large pieces of bottom where the biology has changed. Alternative stable state and it won't produce urchins any more. Goal here is to bring that back to where it can be productive. You want to be able to use what you are growing to bring areas back. Pick pieces of bottom crabs can't get to, areas out there that are dead now, dead to urchins.

J. Wadsworth: I thought lobsters had populated the areas that urchins where?

J. Leask: There are urchin areas that have gone through what Dean has said.

D. Norris: A lot of guys are quality divers that need to travel down the coast to get good animals. Mini zones and your product turns to mush, you have payments to make and you can't move like you have been used to then you will have problems. Divers who have destroyed their local areas have left the industry. Travelling divers get a bad rap, but I have seen damage done by guys who are local and had bills to pay and killed their zone. Urchins are different from one area to another. I don't see how the state could do multiple emergency closures for spawn. I agree with small zones if there are different lengths of the season. We don't like to beat the bottom hard, take the cream and come back next year.

T. Sawtelle: If everything was managed properly, why would you need any of this?

D. Norris: Because people have bills to pay.

T. Sawtelle: For small areas, either you manage that bottom, or you are not going to have anything. We had to get a lobbyist to get a meat count in Cobscook. We were the first ones to close a big spot to urchins. It wasn't supposed to be closed at all, only unless it could have been managed by the local fishermen. Once it closed, we couldn't get it back opened after two years because the Department couldn't come up with a management plan. Then, the area was surveyed and a map was made and was handed out – a treasure map! Now there are 4-5 times the fishermen in Cobscook Bay!

D. Norris: It drew people in.

T. Sawtelle: Every time people talk about making a piece of bottom better, you want to make sure there is a plan in writing, not a promise from the Department. We wanted to make it an exclusive zone for a long time and keep hearing

that we don't have enough time to do it. You come up with an idea and are told not this year, but 25 years later we still can't do it. Next year is coming. Every time there is product, the scientific research is done and you make it public, you have driven everyone there – I can't see how that is conservation at all!

J. Leask: It happens in groundfishing too. Back in 1980's all the guys came to Casco Bay and all the Downeast guys used to come to my area. I had no problem, they had a family. Now I am down there. I think Cobscook is our best chance because it is closest to the largest biomass, which is Canada.

D. Norris: The Canadian side of Cobscook.

J. Leask: The urchin has the best chance of recovery by natural means. I have moved urchins and it is a delicate balance. I can only move them on an open day and I don't move very many. When you deplete it to a certain level, they won't hold up, it can't do what it naturally does. There are areas of the state that still have a lot of biomass. The few times I move them I make sure I don't take too many and move them to an area that I know to be good with good feed and currents. I flip and place everyone by hand on bottom, wait for the green crabs to come and remove/control them and then come back in a month's time and they come back very quickly. Chile does natural bulking. I also don't deplete areas that I have restored. There seems to be natural reproduction happening in those areas. There is one other harvester that is there, evidence is there.

T. Sawtelle: You need a smaller zone. Rotational closures with 3 different areas and you split your harvest amongst those three different areas.

B. Sutter: Not necessarily harvesting in different areas, but controlling what is coming out.

D. Norris: Have a Total Allowable catch (TAC) in an area.

B. Sutter: Yes. If you do that and have a group of people harvesting the resource, you have a whole different scenario of people who are doing it and their incentive to do it right.

T. Sawtelle: You have three zones; the first has more product so you harvest 7 totes from it, the second not so much so 5 totes, and the third zone looks a little better so 6 totes a day.

B. Sutter: Also you can say collectively you go to Steve and get hatchery product.

J. Wadsworth: A lease site would never work in Cobscook Bay.

T. Sawtelle: When they first came out for salmon, I didn't mind it as it was employing people. Then the fishing restrictions came in. They started to spread the pens out and a dragger couldn't get in there, but the divers could.

J. Leask: Japan said they didn't want that product due to them feeding on salmon feed.

T. Smith: The viable way for Commissioner to do something to help a few pioneers out is to have a pilot program to allow a limited amount of people to play around with urchins and do some things on their own and put a proposal in. Maybe the way to do it is to limit it to 10 guys. Take a depleted area to have some urchins again.

J. Wadsworth: Go to York and bring some of that back. It could be loaded down there!

J. Campbell: I didn't go thought 11 years of conservation for you guys to rezone the state! We are all nomads; we go where the urchins are. To restrict us is ridiculous! Stop looking at the DMR to rescue this industry. Everyone has a license to go do their own conservation. If Pat wants to give the power, let's make it mandatory to do some conservation. I don't understand – rezoning the state is not the answer. We don't need any more laws.

[End of SUZC Subcommittee Meeting at 5:30pm]

## **Sea Urchin Zone Council Meeting**

### **Meeting commenced at 5:36pm**

B. Sutter: We are having the meeting tonight in Zone 1 as there are a number of Zone 1 issues on the table tonight.

### **Welcome & Introductions**

### **Review of Agenda**

### **Approval of Minutes (11/21/13)**

***Accepted as presented***

### **DMR Update:**

M. Hunter: A few port sampling trips have been accomplished since the last meeting.

P. Keliher: Conversations at the legislature regarding Mick Devin's Concept Bill is something the department continues to deal with. We are not endorsing the concept, but support the conversation to determine if there is anything that we can do. The SUZC deserves a lot of credit for moving conservation measures forward recently such as tote limits, decreasing the season, culling on bottom, etc. Those actions along with the conversation that happened earlier in the meeting are refreshing. When you look at commercially extinct areas, is there something that can be done to bring them back? Are there any specific questions?

J. Campbell: I want to know what this bill consists of. What are you looking for?

P. Keliher: It was a bill that was initiated by Mick Devin and we are more than happy to have conversations about it. After the last meeting, Mick put some language together. The draft itself would be onerous to the department, and in our opinion it is aquaculture.

J. Campbell: Is there anything specific you are looking for that will benefit you and give you what you need?

P. Keliher: Tracey said it best, we always come to the table and say no we can't, we don't have resources. This particular bill's concept gets to more a local level of industry participation, it puts the onus back on the industry participants for efforts to restore areas. Areas that don't compete with wild harvest - then may be some benefit there. For muscle aquaculture in the state, we have laws on the books that allow us to charge half the price for larger areas compared to a normal aquaculture lease. I am not a big fan of privatizing a public resource. One of the components of the idea is to do a large amount of work and get some benefit. Leasing a part of the bottom for a set period of time and then the individual can ask for a renewal if it worked – that process exists right now.

T. Smith: It takes a long time and costs a lot of money.

J. Campbell: There are not many of us left. Make it mandatory that we do conservation work like clamming and do a bit more research; it would cut out the bureaucracy. I understood that part of it could be that if it is not an urchin day, you can't move urchins. My biggest fear is that this is going to turn into smagma and it will jam DMR up.

B. Sutter: The chairman of the Marine Resources Committee has the ability to draft legislation with a DMR representative and the clerk of the committee. Once drafted, there will be a public hearing on that.

J. Campbell: We need to make it simple.

P. Keliher: I am listening.

J. Campbell: I am a worm digger, and I am seeing everyone screaming and yelling and getting nothing done.

P. Keliher: Whatever comes out of the Marine Resources Committee, we can discuss it. This council should give advice on that and if it should move forward. DMR will be part of it in terms of resources. If this council wants to require conservation work, we can talk about it.

J. Campbell: The DMR is not going to save us.

P. Keliher: The only way we can save you is to work with you and encourage this conversation about change or shut it down. The last thing we want to do is to shut it down.

J. Campbell: I am seeing enough urchins come back so we won't have issues. I can now go out and make a paycheck. Zone 2, you have been fishing 45 days and you are in big trouble!

J. Leask: I have news for you; a couple of areas are doing really well. Commissioner Lapointe deserves the credit as he wanted to shut it down and a number of individuals spoke to him and convinced him to go to 10 days for Zone 1. I am of the mind that Zone 1 could use tote limits. There might be enough resource that it appears to be doing better, but my concern is you will end up in the same place.

J. Campbell: Why don't we wait until we get the stock assessment and use the numbers to make a decision.

J. Leask: With the number of Zone 1 guys in this room, I would like to hear what they see and where they want to go. If you choose to over harvest, it will be shut down. You heard it from the Commissioner. On the other hand, if we continue to be conservative and take the least amount while still making a living and they continue to rebound, we will have a better future down the road. We can't put it off another year; we need to do it now. I was the only one who brought up gear modifications. I know some folks who have made modifications to make the drag environmentally friendly and do no damage at all. If we could reestablish our market, it will be good for Atchan. Chin is buying out of Tenants Harbor. If you want them to stick around, all those processors are losing money as they are trying to maintain their markets and within 3 years, it will be down from 9 to 4 processors.

J. Campbell: We have the number one urchin in the world, and we may have to pack them up and ship them out ourselves. We are not making a living at it, we go for one month and we are not able to make enough to pay our bills.

B. Preney: Before the Commissioner leaves - all this talk about saving ledges and moving urchins. In Zone 1 there are a lot of dead zones and no urchins living there. The die off in Sheepscot, was it an amoeba? There has been no science staff that has gone out to see what happened there. Everyone is talking about moving urchins around. A ledge holding urchins right now is precious. We start to take those urchins and move them and then they die - we will be looking at a totally dead Zone 1. I don't mind taking hatchery product.

P. Keliher: I don't disagree.

C. Richardson: Commissioner - is DMR looking for a reduction?

P. Keliher: I don't know. We committed for 2 years at 15 days and we would evaluate and look at assessment to see if any impact.

C. Richardson: So all this is a moot point. We can't stretch the days into August without more days. I came up with idea for a tote limit to get more days.

P. Keliher: I haven't sat down with Maggie or Trish to start that conversation yet.



C. Richardson: We can't proceed with that conversation until we get that information.

M. Hunter: I was planning on presenting the stock assessment results to the council in February. Based on our preliminary survey data, we will likely not be looking at an increase in Zone 1.

P. Keliher: We will have to look at that assessment, landings, etc. before we can make a determination.

C. Richardson: We all have different jobs in Zone 1, we take time off those jobs to do this. If you stretch those 15 days out over a long period of time, you can't keep your other jobs.

D. Norris: Why can't you do three seasons – Aug., Sept, and Aug?

C. Richardson: You are still running into same problem – the processors once open, need to stay open.

T. Sawtelle: Would they even be able to open because there are not enough urchins in Zone 1 to support them?

A. Tamaki: Nova Scotia starts in August, but it is not enough.

J. Campbell: If there is going to be a tote limit, we would like to see an increase in our days and a 3 day week to stretch it out. 25-30 days at 3 days/week on a tote limit, there might not be much more increase.

T. Sawtelle: With our 3 days weeks down home, come the third day, the buyers don't even want them. They want a three day week, but they don't have market that third day to buy our urchins.

J. Leask: It is supply and demand. This week there seemed to be more demand at the end of the week, better prices at end of week.

T. Sawtelle: Our price dropped on Wednesday, the third day.

J. Campbell: Zone 1 has been getting low balled. They were paying \$3-3.50 to draggers in Zone 2, while we got \$2.50/lb.

T. Sawtelle: Do you remember the strike a few years ago? Everyone wanted a \$1/lb. for a 10% urchin. Right now in Zone 2, a couple of guys have stopped. And Zone 1 got their price and we got \$0.60/lb. You guys didn't hold out for us.

A. Tamaki: I know most of the people here talk about price - you want it higher. As a processor, we want a steady supply. The tote limit is great. Usually in the start of October, everyone fishes and floods market and we can't handle it. This year with Zone 2's tote limit, we can still process each day.

J. Campbell: What about a 3 day week, stretched out longer?

A. Tamaki: We still have enough urchins there. Usually, around November, they decrease the amount due to weather. Product is steady. Quality is getting better.

J. Wadsworth: The tote encourages them to get better quality!

J. Leask: That brings us back to the Zone 1 tote limit.

A. Tamaki: Zone 1 early is not harvesting enough to keep all processors going. But, if different divers go in a different areas in August, maybe.

J. Campbell: If only looking for a couple of days for this holiday, why not open it for a few days? Especially if it is going to help the processor.

A. Tamaki: 3 days is difficult.

J. Campbell: Scrap whole thing then?

Atchan: yes.

**DISCUSSION: Zone 1 Tote**

B. Preney: In 1996 Brian Soper came to the council with a detailed plan of 6 trays. There were a fair amount of people behind it, but Marine Patrol said they couldn't do it. We are finally there now. If we had of done it back then, I think we would have had a good fishery.

J. Campbell: For Zone 1 if I can fish, I can make money. If nothing in Rockland, I can go back to Casco.

B. Preney: There is nothing there. Here we are in 2013 and talking about a tote limit. Zone 2 guys like the tote limit. They are getting a higher price, done by 11, and harvest better quality urchins.

Audience: It was increased to 38 days though.

B. Preney: That is what we are talking about.

B. Sutter: The yen is trading at 103, and their goal is 150. Last year it was trading at 78. That is a 25% reduction in price to us. If it goes up any more, we are going to see a lot less for our urchins. That will be less than \$1/lb. and that will be what happens if the Japanese finance minister is successful with his monetary policy. If \$1.50/lb. and a 10 day season...

J. Campbell: We are talking about increasing in Zone 1 so we don't have a crash.

B. Sutter: It is unlikely that you'll get more days. You may need a 4 tote limit to get more days.

J. Campbell: I'd rather do 15 days wide open than get a tote limit. Cut me back any more and I won't go!

B. Sutter: It is not likely to get more days.

M. Hunter: An 8 tote limit would be a 17% reduction for divers.

J. Campbell: The numbers are not in for Zone 1's landings yet!

B. Sutter: We don't get the numbers in time, so we have to plan without them.

M. Hunter: This is based on last year's data.

T. Sawtelle: When will it be updated? When will the numbers be in? When will all the data be done? When you finish your data, when will it be done?

M. Hunter: I will present the assessment data in February, but it will be based on last year's data.

T. Sawtelle: That is a problem, that is not even right.

M. Hunter: The Zone 2 season is done in March, but then it is too late to set season. We need to wait for the dealer data.

B. Sutter: The survey accounts for some of that, when does that get done?

M. Hunter: That is done in the spring, and Robert gets the information in by the end of the summer. The model needs to match up the previous year's landings with the spring survey data. This past spring's survey does not go into this year's assessment, which will be good as it is down this year.

B. Sutter: It takes time and needs to come in front of DMR AC earlier than the day before the season.

J. Campbell: We need to get the harvesting up to the biomass and not struggle. We are only harvesting half of what is out there and available.

M. Hunter: Then why is it not recovering?

J. Campbell: Because of the green crabs, ocean acidification. Green crabs are getting bad. Harpswell clam diggers are trapping them and the traps are FULL! Now there is a blue crab – a new threat and they are more predatory than green crabs.

B. Sutter: Moving along... does anyone else have something to say about tote limit?

Audience: Why is it even being brought up?

B. Sutter: more days. I don't think a tote limit for a one or two day increase is what people really want

J. Wotton: Is this tote limit issue for Zone 1 dead now or will it come up again?

B. Sutter: When we discuss the season in April, I expect this to rear its head again.

J. Campbell: We can't do anything without the numbers [assessment results]!

A. Tamaki: In Zone 1, each diver is getting on average 10 totes/day, but the Zone 1 draggers are getting about 20 totes/day. I think a tote limit is fair between the divers and draggers.

J. Campbell: I think that is fair. Zone 2 is 7 totes for both divers and draggers, right? [yes]

B. Sutter: In Zone 2, the catch of draggers is about equal to catch of divers. So when it went to tote limit, it was the same for everyone. For Zone 1, the draggers catch is about double that of divers.

J. Campbell: It's because they are coming back!

Audience: Don't penalize someone for 10 years of conservation. I should be able to work harder and make a living.

B. Sutter: For a similar conservation limit, they might have to have two different tote limits.

Audience: There are more there now than there were years ago. I have worked the beds and kept them growing.

B. Sutter: Maggie just gave me the numbers. Say you went to a 4 tote limit in Zone 1, that is a 74% reduction for draggers and a 50% reduction in divers in the daily catch.

J. Campbell: Let's get rid of this reduction thing. We want more days!

C. Richardson: You gotta look at the big picture. If you each go on a 4 tote limit, it is a 59% reduction between both divers and draggers. Then you could have 60% MORE DAYS to average it out. I don't want a 4 tray limit, but we wanted to look at more days. We can't make a reduction, because Atchan can't run his plant on 4 trays/day from Zone 1 guys.

B. Sutter: The tote limit will come up again on the day when we meet to set the season. When you asked how many days we can have, the tote limits will be considered. Just like Zone 2.

S. Warner: I would ask that another meeting be held in Hallowell before it is finalized.

B. Sutter: We will have two more meetings before that. The season needs to be in set in March.

Audience: Before something happens, can we have a meeting down here?

B. Sutter: It won't be finalized; it is not going to happen because the number of days you will set because the people there at that meeting set the season.

C. Richardson: I am not in favor of a tote limit.

T. De Graaf: In order to set the season, we need to have both Zone 1 and Zone 2 fishermen in the room to set their calendars on the same night because we need to have both calendars come together so we have at least 2-3 days each week to keep the processors going over a seven month period.

S. Warner: Can we a meeting down here in Zone 1 before that happens?

J. Leask: You need to set both Zone 1 & 2 together and the meeting is in the middle of the state, usually in Bangor.

J. Campbell: For the past 10 years, we have set the season in Bangor or Ellsworth. Can we set it in Hallowell this year?

J. Leask: If you don't show up to these meetings, or show up and don't say anything that is your fault. Speak up. There will be times that decisions will be made by the council and they were not even observed!

J. Campbell: It is changing a little, we have Pat now.

J. Leask: I asked the lawmakers today about making this less of an advisory council that has more than just a recommendation. The Commissioner has the final say, so it might not be popular with him. For years we have been an advisory council, maybe observed, maybe not. I think the Commissioner has done best he could. But if we say there is no tote limit in zone 1, then it should be that.

B. Preney: And further, we have a quorum at this meeting today. If you have ideas you want to see move forward...

J. Campbell: Let's address what Steve Warner wants.

S. Warner: I just want to have a meeting before it was set in stone, and you say that is not possible. So I will ask Brian Preney to represent me at that meeting.

B. Sutter: The world is run by those who show up.

J. Campbell: You get paid for it! I want to make a motion to set the season here in Hallowell.

B. Sutter: There are 5 people on this council that drive just as far as me when I got to Bangor or Ellsworth.

J. Leask: Jim brings up a good point – can we set the season today?

T. De Graaf: we don't have the assessment data yet.

M. Hunter: Sure you can, it is just a recommendation.

B. Preney: It lets them know what we are thinking.

J. Leask: Maggie's data is part of the equation. I have seen evidence of recovery, but Maggie said trends are not pointing at that. I think some of our science has been compromised. We still need to show up and debate it. I think Zone 2 should stay at 38 and 7 totes. I am seeing positive signs. For Zone 1, I tend and see the urchins. I now you are towing the same areas but it is the last place standing. Zone 1 is down to a small area and most guys know exactly where you tow, it is no secret. It is your biomass, I still recommend extreme caution. Give your resource a chance to rebound. Pat said he would shut it down if he needed to. We have a good argument for not shutting it down as urchins will go to garbage if so. I think our council should be more than advisory.

J. Wadsworth: Under those parameters, if the council had that power when George cut the season to 10 days, and he didn't do it, where we would be?

J. Leask: I am seeing positives from that cut, but if you don't make concessions now, you may not have a choice. I would rather choose now than be told I can't fish later. You need to give opportunity for resource to come back. I have gone through a lot less bottom with the tote limit, and those spots that you haven't hit are going to be better next year. Do you want more days – yes, that is a no brainer. But if you make a mistake now, we run the risk. I don't want to lose Zone 1; I make money from Zone 1. If all the divers go to Tenants Harbor, the one little area left with urchins, and continue to pound it....

J. Campbell: There are only 12 divers and 11 draggers fishing in Zone 1.

J. Leask: Do you want Bill to come down there?

B. Sutter: I haven't even gone!

J. Campbell: We want to set the season in Hallowell this year.

T. Sawtelle: I travel 2 hours just to get to Bangor.

Audience: If we are going to set the season, it should be at a half-way point.

T. Sawtelle: I thought Bangor was half way?

S. Warner: I am comfortable with my representative to pick my season for me.

B. Sutter: There might be Zone 2 guys who want it is Machias next.

J. Campbell: There is only one guy from Zone 1 ever there.

B. Sutter: There are 5 members of the council not here because of the distance. They could decide to have the next season in Machias.

J. Campbell: One year set it down here.

J. Wadsworth: This is a waste of time.

J. Leask: We have covered this topic.

### **DISCUSSION: August Dive Season**

B. Sutter: We put this to bed earlier in the meeting [off the table].

### **DISCUSSION: Drag Modifications**

J. Leask: I wanted to bring this up because I have heard of drag modifications that industry guys have done on their own to have less impact on the bottom.

Audience: Is there anything they want to specifically change?

J. Leask: Bill mentioned that he has two urchin drags. I am just looking to lessen the impact on the ocean bottom by dragging. When I see the ocean bottom, I can tell what type of drag has been dragged. In Stonington, I have seen huge house size boulders moved. I have seen areas also helped out by draggers, they pushed the urchins up against ledges. I am not against dragging, but there are areas that should not be towed.

T. Sawtelle: Shake and bake – the rubber mat.

B. Sutter: The problem I have heard is guys having to tow two drags to get urchins and then scallops. Tracey, what would impact be Downeast?

T. Sawtelle: Last Tuesday I got 1 tote of urchins with my scallops. With the 4 ring there are not a lot of urchins in that drag. I have to start out in mussels and gag the drag to keep the urchins in the drag. Some people target urchins with their scallop drags, but it is a waste of time. I think the 4 inch ring has done more harm on bottom than helped as there are too many holes for a scallop to go out through that is legal. If you do have both licenses, if you drag your urchin drag first, you are dragging up that scallop twice and you have to switch the drag too. With a meat count in Zone 3, then who cares if you have a 4 inch ring? I don't know how we can actually say it is conservation if you can change gear types for different bottom 500 meters away. There are a lot of different things you could do to your gear. If you have a 2.5" stock, it will be harder on bottom than an inch and a half, it is harder on bottom. If I cleaned up a pile of kelp, maybe helping cause we are getting rid of where the predators are. Killing green crabs - that could help.

J. Leask: You need that kelp to feed the urchins. Robert Russell has observed a draggers swath through kelp and it has not come back. The bottom line is to leave something behind. I used to tend years ago and they were all legal sized urchins. Kenny Robinson would pick by hand as they were all short-spined. I think the council overall did a good job as we sold the bulk of our urchins when the price is high. I think drag gear is something that we need to address. Some guys have modified their drag to be better on bottom. Draggers are not all bad, it is just a tool.

D. Norris: If Tracey was allowed to keep his urchins [from his scallop drag], then he wouldn't beat bottom. Couldn't that be something in the bill?

J. Leask: Shouldn't a guy with both licenses be able to keep both?

B. Sutter: There are people who have both licenses who may take their scallop drag and try to get as many urchins as you can while getting scallops, but they are doing more damage going over bottom with urchins with that scallop drag. You have to have a 2 inch square mesh on back of the urchins drag Downeast.

J. Wotton: I don't think that will go over well with the Scallop Advisory Council (SAC). I hold both licenses, and I don't disagree with it. There is a lot of friction amongst guys with and without urchin drags on the council. We see it when they set the days, because they try to set the days on urchin days to make them choose.

T. Sawtelle: I asked that SAC sets the calendar first last year – it didn't happen.

T. De Graaf: We used to run both rulemakings at the same time, but the last few years we have had to do scallops later and the urchins season starts in September, so we have to run that rulemaking in the spring to have it finished up in time so folks paperwork for choosing seasons and Zones get sent out before things start up. It will likely be the same as

this year – Monday-Thursdays in December and March, and then Monday-Fridays in January and February. The SAC has recommended the same calendar for the past few years.

M. Hunter: We did a study with Rick Wahle with urchin drags.

T. Sawtelle: There are places that I catch a basket of scallops and I have to throw them back. Traditionally, we have scallop bottom that doesn't have many urchins. 5 knots is what I can tow the scallop drag at, 2 knots for urchin drag.

A. Tamaki: Some of the urchins that we get beaten up are from a scallop drag. We want the urchins to last longer, and those urchins don't have as long of a shelf life.

T. Sawtelle: When the tide gets running, and rocks in there, they get pounded.

Audience: I modify my drag to make sure rocks fall out and the drag fishes clean.

B. Sutter: The rubber cookies are neutrally buoyant, lightens drag in the water.

J. Leask: No one way is better or worse, I am looking for the least amount of damage to be done on bottom, to urchins and to what goes back on bottom. All I am looking for, even if not rulemaking, nothing more than sharing information, like putting cookies on. If it's better for the resource, it will help. I just saw that the Coast Guard issued a safety bulletin about towing high.

T. Sawtelle: When you winch back, you winch back up high. Most of the time, something happens when you winch back. What the Coast Guard issued is common sense and they don't know anything about fishing. Even if you tow low, you need to tow high if winching back. You need to use your head. I tow off my mast and boom.

J. Leask: I have never run into a problem, but have heard of a guy with a lot of power or a lot of tide.

T. Sawtelle: There is plenty of tide to flip it upside down.

Audience: I tow with rope so the drag sling shots over the rocks. I have never had a problem.

J. Leask: I know a gentleman in Blue Hill who tows with all rope. Very gentle on the bottom.

B. Sutter: if I took a 1:40,000 chart, the area I cover is the size of my thumb. You can't afford to go looking. This is the first time I have had Zone 1 draggers in the room.

M. Hunter: There are 16 Zone 1 drag licenses left and 47 Zone 1 divers.

#### **OTHER BUSINESS:**

B. Sutter: Anything else? Representative Mick's Bill has not been written yet. The language will be developed and there will be a legislative hearing. You guys can go and have your say there. It will be in January.

J. Campbell: If you guys don't recommend this bill, what happens?

B. Sutter: We have no say on it. You need to go to the public hearing in January.

B. Preney: We will see where this goes. It can turn around 180.

J. Campbell: Can you squash this legislation?

B. Sutter: You didn't listen to the commissioner?!

J. Campbell: If done right, and specific and it can be done right. But you will vote on it?

B. Sutter: No, you need to let the representative know your thoughts. You need to contact him [Representative Mick Devin - [repnick.devin@legislature.maine.gov](mailto:repnick.devin@legislature.maine.gov) or (207) 975-3132].

**Next meeting**

Thursday, January 30 in Bangor at the Maine DOT Conference Building at 219 Hogan Road. Sea Urchin Research Subcommittee will start at 4pm, the full council meeting will start at 5:30pm.

**Meeting ended 7:37pm**

DRAFT



## Appendix A

### Margaret Hunter's Slide Presentation on Different Zone 1 Tote Limit Conservation Options

#### Daily Tray Limits for Zone 1

The following data are from Zone 1 harvester log books from the 2012-13 fishing season, and were incomplete when downloaded July 2013 (included 19 divers and 4 draggers)

	<u>Dive</u>	<u>Drag</u>
Avg daily trays	8.5	15.1
Avg daily catch (lbs)	690	1,282
Median daily catch	660	1,434
Lbs/tray from port samples	82	85
N catches	191	33

#### Daily Tray Limits for Zone 1 Divers

If individual daily diver catches (from preliminary 2012 harvester report data) had each been reduced to the following number of trays, a reduction in landings might have been achieved. This assumes a 90 lb tray for divers, and assumes that fishing behavior is identical to 2012:

Tray limit	4	5	6	7	8	9	10
lbs/tray	90	90	90	90	90	90	90
Lb Limit	360	450	540	630	720	810	900
% reduction	50%	40%	31%	23%	17%	12%	8%

#### Daily Tray Limits for Zone 1

<u>days</u>	<u>% of season</u>
1	7%
2	13%
3	20%
4	27%
5	33%
6	40%
7	47%
8	53%
9	60%
10	67%
11	73%
12	80%
13	87%
14	93%
15	100%

### Daily Tray Limits for Zone 1 Divers

There was a difference between Early and Late season divers (Late didn't do as well):

Early Season Zone 1 Divers							
Tray limit	4	5	6	7	8	9	10
lbs/tray	90	90	90	90	90	90	90
Lb Limit	360	450	540	630	720	810	900
% reduction	53%	43%	34%	26%	20%	14%	10%

Late Season Zone 1 Divers							
Tray limit	4	5	6	7	8	9	10
lbs/tray	90	90	90	90	90	90	90
Lb Limit	360	450	540	630	720	810	900
% reduction	44%	33%	23%	15%	10%	6%	3%

### Daily Tray Limits for Zone 1 Draggers

Tray limit	8	9	10	11	12	13	14
lbs/tray	95	95	95	95	95	95	95
Lb Limit	760	855	950	1045	1140	1235	1330
% reduction	53%	48%	43%	38%	34%	30%	26%

Tray limit	15	16	17	18	19	20
lbs/tray	95	95	95	95	95	95
Lb Limit	1425	1520	1615	1728	1843	1960
% reduction	22%	19%	16%	12%	10%	7%